

### **REMARKS**

This paper is in response to the Office Action mailed on July 27, 2004.

No claims are amended, no claims are canceled, and no claims are added; as a result, claims 1-34 remain pending in this application, where claims 13-30 and 34 are pending examination. Applicant respectfully requests reconsideration of the above-identified application in view of the remarks that follow.

#### **Information Disclosure Statement**

Applicant submitted an Information Disclosure Statement and 1449 Form with the initial application filing on November 25, 2003. Applicant respectfully requests that an initialed copy of the 1449 Form, with the cited references marked as having been considered by the Examiner, be returned to Applicant's representatives with the next official communication.

#### **In the Title**

The title of the invention was objected to as being not descriptive. Applicant respectfully traverses these grounds of objection. However, to expedite prosecution of the present application, Applicant amends the Title as suggested in the Office Action.

#### **Double Patenting Rejection**

Claims 13-30 and 34 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 13 of U.S. Patent No. 6,653,196 B2. Applicant respectfully traverses.

The U.S. Patent No. 6,653,196 B2 is issued based on a U.S. application serial no. 10/280,180 (parent application.) The present application is a divisional application based on the parent application and is filed before the issuance of the U.S. Patent No. 6,653,196 B2.

Claims 13-30 of the present application are derived from the original claims 31-51 of the parent application. In an Office Action applied to the parent application, claims 31-51 were subject to a restriction requirement.

According to 35 U.S.C. 121, third sentence:

A patent issuing on an application with respect to which a requirement for restriction under this section has been made, or on

an application filed as a result of such a requirement, **shall not be used as a reference** either in the Patent and Trademark Office or in the courts against a divisional application or against the original application or any patent issued on either of them, if the divisional application is filed before the issuance of the patent on the other application.” (Emphasis added)

Thus, it is improper to use the U.S. Patent No. 6,653,196 B2 as a reference for the double patenting rejection against the present application.

Claim 34 recites elements similar to the elements of claims 13-30. Thus, it is also improper to use the U.S. Patent No. 6,653,196 B2 as a reference for the double patenting rejection against claim 34.

Based on the reasons presented above, Applicant respectfully requests withdrawal of the double patenting rejection of claims 13-30 and 34, and reconsideration and allowance of these claims.

#### Rejoinder of Claims

Claims 1-12 and 31-33 were withdrawn from examination in response to the restriction requirement mailed May 7, 2004. Claim 34 is generic to these claims, as agreed to in the Office Action. With the allowance of generic claim 34, Applicant respectfully requests rejoinder and allowance of claims 1-12 and 31-33. *See M.P.E.P. 809.*

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6969 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

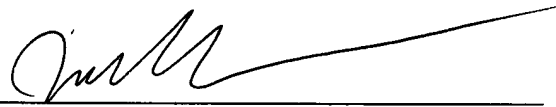
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By their Representatives,

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Date October 26, 2004

By

  
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Reg. No. 45,416

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 26 day of October, 2004.

Name

KACIA LEE

Signature

Kacia Lee